

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

DELTA-MONTROSE ELECTRIC  
ASSOCIATION,

Complainant,

v.

TRI-STATE GENERATION AND  
TRANSMISSION ASSOCIATION, INC.,

Respondent.

**Proceeding No. 18F-0866E**

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**MOTION TO INTERVENE ON BEHALF OF WHEAT BELT PUBLIC POWER  
DISTRICT, MIDWEST ELECTRIC COOPERATIVE CORPORATION,  
ROOSEVELT PUBLIC POWER DISTRICT, CHIMNEY ROCK PUBLIC POWER  
DISTRICT, AND PANHANDLE RURAL ELECTRIC MEMBERSHIP ASSOCIATION**

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Wheat Belt Public Power District (“Wheat Belt PPD”), Midwest Electric Cooperative Corporation (“Midwest Co-op”), Roosevelt Public Power District (“Roosevelt PPD”), Chimney Rock Public Power District (“Chimney Rock PPD”), and Panhandle Rural Electric Membership Association (“PREMA”), collectively the (“Nebraska Tri-State Members”), pursuant to Colorado Public Utilities Commission (“Commission”) Rules 1401(a) and 1401(c) of the Commission Rules of Practice and Procedure, seek leave to intervene as a party in the above-captioned proceeding. In support of this Motion, the Nebraska Tri-State Members respectfully ask the Commission to consider the following:

**GROUND FOR INTERVENTION**

1. Wheat Belt PPD is a rural distribution public power district and a member-owner of Tri-State Generation and Transmission Association (“Tri-State”) with its principle place of business in Sidney, Nebraska. As a public power district, it is a political subdivision of the State of Nebraska.

2. Midwest Co-op is a rural electric distribution cooperative and a member-owner of Tri-State with its principle place of business in Grant, Nebraska.

3. Roosevelt PPD is a rural distribution public power district and member-owner of Tri-State with its principle place of business in Mitchell, Nebraska. As a public power district, it is a political subdivision of the State of Nebraska.

4. Chimney Rock PPD is a rural distribution public power district and member-owner of Tri-State with its principle place of business in Bayard, Nebraska. As a public power district, it is a political subdivision of the State of Nebraska.

5. PREMA is a rural electric distribution cooperative and a member-owner of Tri-State with its principle place of business in Alliance, Nebraska.

6. On or about December 6, 2018, Delta-Montrose Electric Association (“DMEA”) filed a complaint against Tri-State seeking the Commission’s intervention on a contractual dispute involving an exit charge for DMEA to withdraw from membership in Tri-State. The Commission issued notice of DMEA’s Complaint and set a date of January 9, 2019 for Interventions.

7. Like the Complainant, Nebraska Tri-State Members purchase services, including a minimum quantity representing a substantial portion of their respective electric needs, from Tri-State under a Wholesale Electric Services Contract. Nebraska Tri-State Members and DMEA, therefore, share the same contractual relationship with Tri-State.

8. Additionally, all members of Tri-State, including the Nebraska Tri-State Members and DMEA, are subject to the approved Tri-State by-laws. From the face of the Complaint filed on or about December 6, 2018, it appears that DMEA’s primary claims and the issue to be decided stem solely from its contractual relationship with Tri-State.

9. Nebraska Tri-State Members only serve consumers in Nebraska and are not regulated by the Public Utilities Commission of the State of Colorado. A decision by the Commission to regulate a critical contract matter with far-reaching impacts such as an exit charge for one Tri-State member could effectively result in the Commission asserting authority over Nebraska entities.

10. Nebraska Tri-State Members, by this submission, do not seek to deprive DMEA's right to judicial review. To the contrary, Nebraska Tri-State Members assert that DMEA should resolve its contractual dispute with Tri-State in an appropriate court of law with jurisdiction over all interested parties.

11. Nebraska Tri-State Members should be allowed to intervene as they have unique, legally protected rights that will be affected by this proceeding. The subject proceeding could substantially affect the pecuniary interests of Nebraska Tri-State Members' own customers (rural electric consumers in Southwest Nebraska) related to the potential rate impact resulting from a Commission determined exit charge in addition to the possible impact resulting from the Commission exerting authority over a non-regulated entity.

12. Participation by Nebraska Tri-State Members will not broaden the issues in this proceeding.

13. Intervention by Nebraska Tri-State Members is timely based on the Order to Satisfy or Answer the Complaint that was issued on December 10, 2018.

14. The nature and quantity of any evidence to be presented by Nebraska Tri-State Members is not yet known. Nebraska Tri-State Members reserve the right to participate as their interest requires, but undoubtedly will follow any time limits or schedules set forth by the Commission's rules and regulation or Orders issued by the Commission.

15. Nebraska Tri-State Members respectfully request that they be granted intervenor status in this proceeding as no other party or intervenor represents the interests of the Nebraska Tri-State Members, specifically those who are public power districts.

16. Nebraska Tri-State Members request that notice of matters relating to this proceeding and copies of orders, testimony, exhibits, all pleadings, discovery, and other communications be served upon the undersigned counsel.

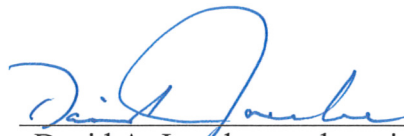
WHEREFORE, Nebraska Members respectfully request that the Commission issue an Order granting leave to intervene in the above-captioned proceeding.

Respectfully submitted this 9th day of January 2019.

NEBRASKA TRI-STATE MEMBERS

/s/ Jack P. Wolfe

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### **CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2019, the foregoing document was served via electronic filing with the Commission and served on those parties shown on the Commission's Certificate of Service accompanying such filing.

**/s/ Jack P. Wolfe**

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